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MEMORANDUM

TO: DISABILITY AND AGING SERVICES COMMISSION

THROUGH: KELLY DEARMAN, EXECUTIVE DIRECTOR, DAS

FROM: CINDY KAUFFMAN, DEPUTY DIRECTOR, DAS
COMMUNITY SERVICES

DATE: OCTOBER 4, 2023

SUBJECT: REQUESTING REVIEW AND ADOPTION OF DAS -
OFFICE OF COMMUNITY PARTNERSHIPS
PROGRAM MEMORANDUM #33: CONSUMER
GRIEVANCE PROCESS

The Department of Disability and Aging Services (DAS) is requesting the DAS Commission to formally adopt DAS – Office of Community Partnerships Program Memorandum #33: Consumer Grievance Policy.



London Breed
Mayor

Kelly Dearman
Executive Director

Presentation of program memorandum and request for formal adoption is being made to ensure compliance with California Department of Aging requirements and State of California regulations.



Background

The California Department of Aging (CDA) retains oversight for DAS' function as an Area Agency on Aging (AAA) for San Francisco, including any funding that our AAA receives from CDA. Through their oversight role, CDA requires DAS to participate in regular reporting and monitoring processes to ensure compliance with various requirements.

CDA conducted a week long monitoring visit with DAS and the Human Services Agency (HSA) in March of 2023. A resulting report issued in June 2023 from CDA included a list of "findings" which are requests for corrections to HSA policies or practices.

One of the findings from the June 2023 report was a request that DAS' Governing Body, i.e. the DAS Commission, formally adopt the Department's grievance policy for DAS funded community based services. This requirement is codified in the California Code of Regulations at 22 CCR 7400 (c)(1). This grievance policy is now being brought before the Commission for discussion and formal adoption.

DAS-OCP Consumer Grievance Policy

DAS and our community partners are committed to providing responsive, professional, quality services to the San Francisco community. Part of this commitment includes a robust grievance policy allowing program participants to express their concerns about program services and receive a timely resolution.

DAS requires community-based organizations to offer a grievance process at the organization level and to effectively notify program participants of this right. The annual program monitoring process of DAS contractors specifically includes a review of community-based organization grievance policy and notification to program participants.

This requirement, and the program memo before today's Commission, has been in place since at least May 2001. It has undergone revisions periodically to ensure compliance with changed requirements.

The DAS-OCP Consumer Grievance policy (PM #33) details the grievance policy requirement, minimum standards for implementation, and appeal levels. The policy itself is an amalgam of requirements from state legislation, contractual requirements, and general concepts of due process. The three levels of grievance in this policy are as follows:



Level 1: Service Provider

Level 2: DAS – Clinical and Quality Improvement

Level 3: DAS Advisory Council

The first level is handled at the service provider level. This is often the best place for grievances to be resolved, and most grievances are resolved at this level. If a client is not satisfied with the result at the service provider level, they are given the right to appeal this decision to the Department of Disability and Aging Services. This level of grievance is handled by DAS' Clinical and Quality Improvement unit. This unit is a distinct unit within DAS and leads the documenting, investigation, and resolution of grievances received. Clients still unsatisfied may appeal resolution to a third level. A special panel of DAS Advisory Council members serves as the third and final level of resolution.

Attachments

- Exhibit 1: DAS-OCP Program Memorandum #33: Consumer Grievance Process
- Exhibit 2: Overview of DAS Grievance Policy for Clients of Community Based Services
- Exhibit 3: Sample flyer provided to contractors for development of publicly posted signage.

Recommended action: Formal Adoption of DAS-OCP Program Memorandum #33: Consumer Grievance Process.



Original Issued: 5/01
Revised: 2/03, 3/22, 10/23
DAS Commission Adoption: 10/23

Office of Community Partnerships
Policy Memorandum No. 33

DATE: October 4, 2023
TO: All OCP Contractors
FROM: Michael Zaugg, OCP Program Director
SUBJECT: **Consumer Grievance Process**

Office of Community Partnerships' contractors must develop a written grievance process for reviewing and attempting to resolve service concerns of consumers, or persons authorized to act on behalf of them, against DAS funded programs and employees or volunteers of such programs.

This requirement is to make certain that consumers have established rights and due process for resolution on a timely basis.

The following information outlines the level of resolution and responsibilities at each stage. Compliance with this requirement at the contractor level will be reviewed by OCP staff through the annual program monitoring process and ongoing site visit monitoring.

1. Levels of Resolution

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|-------------------------------|--|
| <i>First Level</i> | The service provider (OCP contractor). |
| <i>Second Level</i> | DAS/OCP Staff (DAS CQI/QMS Unit, OCP Analyst Staff, OCP Managers, OCP Program Director). |
| <i>Third and Final Level*</i> | An appointed DAS Advisory Council Panel. |



*A select few programs are provided additional levels of resolution based on specific Federal or State regulations. These program(s) and additional levels of resolution are described in section 8.G., found at the end of this Policy Memorandum document.

2. Responsibilities of OCP contractors

- A. Each OCP contractor shall develop a Consumer Grievance Policy and Procedure process according to the needs of the program and OCP's requirements as specified below.
- B. The policy shall indicate a time frame within which a grievance will be acknowledged. The time frame shall not exceed 2 working days after receipt of the grievance. The acknowledgement letter will clearly state the grievance levels within the agency.
- C. A written notification shall be issued to the grievant stating the results of the review within 10 working days of the receipt of the grievance. If more than 10 working days are required to review the case, a written letter shall be issued to the grievant notifying them of the extended timeline for review.
- D. The time frame to resolve a grievance at the service provider level shall be no more than 30 days from the date of receipt of a grievance.
- E. All notifications to the grievant shall include a statement that they may appeal to DAS/OCP if dissatisfied with the results of the service provider's review.
- F. The grievance process shall include confidentiality provisions to protect the consumer's right to privacy. Only information relevant to the grievance may be released to the responding party without the consent of the consumer.
- G. The consumer has a right to remain anonymous but will need to provide an address for written correspondences. An e-mail address is acceptable.



3. Grievance Process Notification by OCP Contractors

- A. The grievance process shall be posted in visible and accessible areas of each service program site, such as the site bulletin board. (An example of a notification poster is attached to this policy.)
- B. For areas in which more than 40% of consumers are non-English speaking, the grievance process notification shall be posted in the primary language(s) of the consumers, in addition to English.
- C. The grievance process notification shall be delivered in writing to homebound consumers with the home-delivered meal welcome packet.
- D. Consumers receiving services from other OCP contracted services which primarily take place in the community, such as Case Management, consumers will receive notification in writing by the respective program at the time of enrollment.

4. Grievance Filing Format to DAS/OCP

- A. If there is a pending grievance, the grievant shall notify DAS/OCP either verbally or in writing. DAS/OCP staff will obtain pertinent information from the service provider before intervention.
- B. If a consumer cannot submit a written grievance, the DAS/OCP shall take all of the following actions:
 - 1) verbally accept the grievance;
 - 2) prepare a written grievance;
 - 3) have the consumer sign the written grievance, although this is not necessary prior to commencement of the review.

5. Minimum Filing Information to DAS/OCP

- A. The written grievance shall include, at a minimum, all of the following information:
 - 1) the name, mailing address or e-mail address and telephone number, if any, of the complainant or person authorized to act on behalf of the complainant;



- 2) the type of service and the service provider involved;
- 3) the name of the individuals involved;
- 4) the issue of concern or dispute;
- 5) the date, time, and place that the issue of concern or dispute occurred;
- 6) the names of witnesses, if any.

6. Responsibilities of DAS/OCP Staff

- A. The resolution process shall be completed within 45 days of receipt of the grievance and shall include all of the following:
- 1) the time frame from the receipt of a grievance in which the review will occur;
 - 2) only information relevant to the consumer may be released to the responding party without the consent of the consumer;
 - 3) an impartial investigation of the grievance and an attempt to resolve the issues with the parties involved;
 - 4) the time frame within which the investigation of the grievance(s) will occur;
 - 5) the preparation of a written report on the results of the investigation activities. A copy of the report shall be sent to the parties involved. In addition, the report shall advise the consumer of his/her right to an administrative hearing if dissatisfied with the results of the review;
 - 6) a process for ensuring that any agreements reached during the review process are fulfilled.

7. Responsibilities of the OCP Program Director

If a grievance is not resolved at the second level, the resolution process listed below shall be completed and shall include all of the following:

- A. Notify the consumer to request a hearing to present his/her grievance orally before an appointed panel of the DAS Advisory Council within 30 days of receipt of the report. The request shall be made either orally or in writing to the OCP Program Director.



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- B. Notify the consumer, the persons authorized to act on behalf of the consumer and all parties involved in the grievance within 30 days of receipt of the hearing request all of the following:
 - 1) the date, time and location of the hearing;
 - 2) the consumer's and other parties' right to be present at the hearing and/or to have another person act on their behalf, including the right to have legal counsel present.
- C. The issuance of a proposed decision on the grievance resolution shall be no later than 30 days from the date of the hearing.

8. Requirements of the Formal Hearing

- A. The hearing shall be conducted by an impartial panel composed of three members of the DAS Advisory Council appointed by the Council President. A signed conflict of interest statement shall be obtained from each panel member.
- B. The hearing shall be conducted in a professional manner with testimony restricted to the issues requiring resolution.
- C. All parties shall have the right to all of the following:
 - 1) to be present at the hearing;
 - 2) to present evidence and witnesses;
 - 3) to examine witnesses and other sources of relevant information and evidence.
- D. At a minimum, the decision shall contain all of the following:
 - 1) a description of each issue;
 - 2) a statement as to whether the grievance was upheld or denied. In the case of grievances that are upheld, an explanation of the remedy for the grievance shall also be included;
 - 3) a citation of applicable laws and regulations.
- E. The decision shall be forwarded to:



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**Department of Disability
and Aging Services**

- 1) the OCP Program Director, unless the grievance is against the director;
- 2) immediately transmitted to the parties involved.

F. **This shall be the final level of grievance** unless Federal or State regulations for specific programs require further levels of resolution. Any programs meeting this criteria are listed in subsection G below.

9. Programs requiring additional levels of grievance resolution:

A. CalFresh Healthy Living (CFHL), formerly known as SNAP-Ed.

- 1) Staff shall follow the guidelines above for responding to client grievances on the basis of perceived or actual discrimination when delivering CFHL services. Clients shall also be made aware of the option to file a discrimination complaint to the USDA, and be provided a complaint form. The USDA Program Discrimination Complaint Form, (AD-3027) can be found online at:
http://www.ascr.usda.gov/complaint_filing_cust.html
- 2) The process to file a discrimination complaint to USDA related to CFHL services shall be posted in visible and accessible areas of each service program site, such as consumer's bulletin board, and post the "Justice For All" (blue color) poster. Submit complaint to USDA by any of the following methods:
 - a. Mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410
or
 - b. Fax: (202) 690-7442
 - c. Email: program.intake@usda.gov

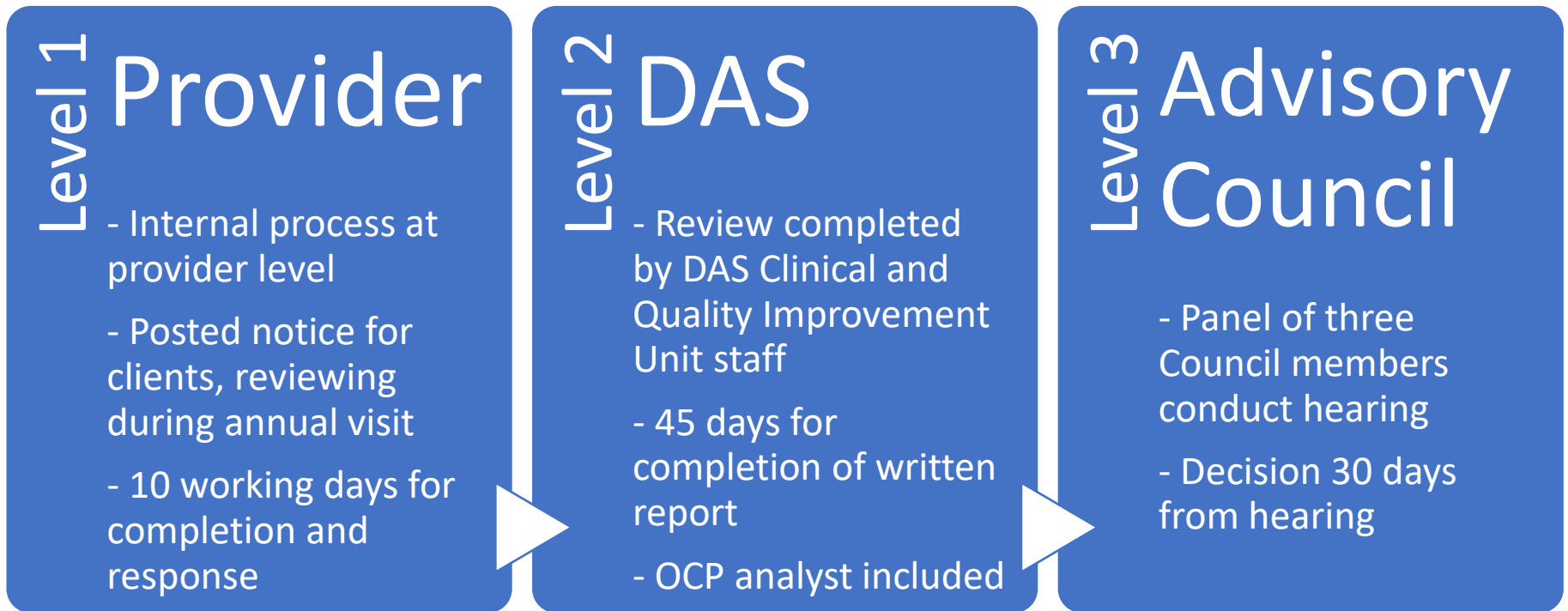


Exhibit 2: Overview of DAS Grievance Policy for Clients of Community Based Services

TO BE POSTED IN CENTRAL AREA FOR PROGRAM CONSUMERS

Consumer Rights

If you have a complaint about the services you are receiving, you have a right to pursue the following corrective steps:

First Step

Report your service complaint with the Program Director at the service site. If this does not result in an improvement in the service, you have a right to pursue the next step.



Second Step

Phone the San Francisco Department of Disability & Aging Services at (415) 355-6700 to report your service complaint.

Exercise Your Consumer Satisfaction Rights!

Remember, you have the right to consumer satisfaction and to these steps in your grievance process.

San Francisco Department of Disability and Aging Services
(415) 355-6700